

REMARKS

Initially, in the Office Action dated June 3, 2003, the Examiner rejects claims 1-9, 11-14 and 16-20 under 35 U.S.C. §102(b) as being anticipated by GB Patent No. 2,332,293 (Jones et al.).

By the present response, Applicant has canceled claims 5, 7, 9, 13 and 14. Claims 1, 8, 11 and 12 have been amended to further clarify the invention. Moreover, Applicant has submitted new claims 21-24 for consideration by the Examiner. Claims 1-4, 6, 8, 11, 12 and 16-24 remain pending in the present application.

35 U.S.C. §102 Rejections

Claims 1-9, 11-14 and 16-20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Jones et al. Applicant respectfully traverses these rejections.

Jones et al. discloses an input device for inputting instructions or data into an apparatus having a display for displaying a plurality of selectable menu items. The input device includes a display controller for controlling the display to display at least one of the menu items as a plurality of sequentially selectable submenu items, and a selection device for selecting one of these submenu items. The display controller is responsive to the selection of a submenu item displayed as a plurality of sequentially selectable submenu items to control the display to indicate the selectability of the submenu items. The selector can be used for the subsequent selection of the submenu items, and data or instructions are input based on a selected menu item of submenu item.

regarding
claims 1

Regarding claims 1 and 11, Applicant submits that Jones et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, selecting an item from a predetermined set of items organized in a menu comprising a first and second menu levels starting from the first menu level followed by the second menu level that includes a user interface comprising an input having a plurality of actuators and an output, or control means for controlling the user interface to provide a first menu selection corresponding to the first menu level and comprising a first number of menu items not exceeding the number of actuators wherein different menu items are associated with different actuators, or selection means responsive to operation of the actuators for selecting from the menu a first item associated with the operated actuator, where the control means is configured to control the user interface to provide, corresponding to the second menu level, a second menu selection comprising a second number of menu items in response to selection of the first item so that at least one menu item of the second menu selection represents a subset of the first item, where the second number is less than the first number and the actuator operated is not associated with a menu item of the second selection. Initially, Applicant submits that the Examiner has issued an improper §102 rejection in that the Examiner fails to specifically point out what portions of the cited reference relates to what specific limitations in the claims of the present application. The Examiner merely quotes portions of the cited reference and gives their associated location in the reference. The Examiner fails to specifically identify which portion of the cited reference corresponds with which limitation in the claims of the present application.

Moreover, Applicant submits that Jones et al. fails to disclose or suggest the limitations in the claims of the present application. For example, Jones et al. does not disclose or suggest a first menu level and a second menu level, as recited in the claims of the present application. Jones et al. discloses displaying all possible input selections on the screen at the same time (see page 9, line 24 - page 10, line4). Moreover, Jones et al. does not disclose or suggest a user input having a plurality of actuators and an output, as recited in the claims of the present application. Jones et al. teaches away from an apparatus as recited in the claims of the present application stating that such an arrangement is not appropriate for handheld devices (see page 1, line 22 - page 2, line 8). Jones et al. discloses displaying an ability to select menu items from the display (e.g., using a touch sensitive screen display). In contrast, the limitations in the claims of the present application disclose a user interface that includes an input having a plurality of actuators and an output that allows providing a first menu selection corresponding to a first menu level and a second menu level that includes a second number of menu items. These limitations are not disclosed or suggested in Jones et al.

Regarding claims 2-4, 6, 8, 11, 12 and 16-20, Applicant submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Jones et al. does not disclose or suggest the limitations in the combination of each of claims 1-4, 6, 8, 10-12 and 15-20 of the

applicants
Claims 1 & 11
Say nothing about
handheld devices

present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

New Claims

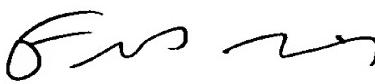
Applicant has submitted new claims 21-24 for consideration by the Examiner and submits that these claims do not contain any prohibited new matter and are patentable over the cited reference. These claims are dependent on independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. For example, Jones et al. does not disclose or suggest a control means being configured to control the user interface to associate one of the actuators with a back function and, on operation of the key associated with the back function, to return from the second menu level to the first menu level. Accordingly, Applicant submits that Jones et al. does not disclose or suggest the limitations in the combination of claims 21-24 of the present application. Applicant respectfully requests that these claims be entered and allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-4, 6, 8, 11, 12 and 16-24 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 367.40293X00).

Respectfully submitted,

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